

Ethics Training Lesson Plan

(Note: Due the statutory requirements concerning Ethics in Government, material covered in this training module should be administered by the Legal Counsel of the host agency).

Time Required: 1 Hour

Workshop Objectives:

This workshop will prepare participants to:

1. Understand the principles of ethical conduct as detailed in Executive Order 12674.
2. Observe that the Public office is public trust, requiring that loyalty to the Constitution, the law and ethical principles be placed above private gain.
3. Realize that Federal employees must maintain impartiality; not use position for the private gain of themselves or another; put forth honest effort in their work; obey the law; and maintain public confidence.

Resources Needed:

Equipment:

Overhead projector
Overhead transparencies
Flip chart
Markers
Name tents

I. Welcome and Introductions

A. Presenter(s)

Introduce yourself, giving details about your current position and any past experience that relates to this workshop. Welcome the participants to the workshop.

B. Participants

Ask participants to introduce themselves, stating their name, what they do, and their expectations for the workshop. Record expectations on flip chart.

II. Workshop Objectives

A. Display objectives on flip chart or overhead.

*Review workshop objectives and address how they relate to the expectations expressed by the participants. If they expressed any expectations that **DO NOT** relate to the objectives, try to address how those expectations might be fulfilled.*

III. Lecture

Participants will receive information on the key aspects of ethics in government. Each host agency will highlight issues that are unique to their nature of business. The following discussion is offered to DOL employees.

A. Gifts From Outside Sources

1. General rule: Do not accept gifts given because of your official position or from people or organizations which:

- Seek official action from your agency
- Do business with your agency
- Are regulated by your agency
- Could be affected by the performance of your official duties.

B. Gifts Accepted in Violation of Rule

Generally must be returned. Your supervisor or the agency ethics official may authorize perishable items to be destroyed, given to charity, or shared in office instead of being returned.

C. Items That Are Not Considered Gifts

1. Modest refreshments that are not a meal (i.e. coffee and donuts);
2. Plaques, trophies, and certificates;
3. Prizes, loans, and discounts available to the general public or all government or military employees;
4. Anything for which you pay fair market value.

D. Items Which Can Be Accepted Even Though They Are Gifts

1. Unsolicited gifts (other than cash or financial instruments) of less than \$20 per occasion (but no more than \$50 per year from the same source).
2. Gifts clearly motivated by family or personal relationship.
3. Discounts available to a large “class” of people (e.g., a large subclass of government employees).
4. Gifts based on outside business or employment relationship.
5. Free attendance at an event where you are speaking or where agency has determined attendance is in the government’s interest.
6. Travel expenses accepted by the agency in authorized circumstances.

However, exceptions may not be used to solicit a gift, accept a gift in return for agreeing to an official act, or to accept gifts so frequently that you appear to be using your office for private gain.

E. Gifts Between Employees

1. Basic Rule:
 - Cannot give, donate to, or solicit for a gift to anyone above you in your supervisory chain.
 - Cannot accept a gift from an employee who receives less pay than you unless the person is not in your supervisory chain and there is a personal relationship justifying the gift.

2. Exceptions:
On an occasional basis may:
 - give gifts of less than \$10
 - share food in the office
 - invite boss to your home
 - give an appropriate gift when visiting supervisor's home
 - share leave under OPM Regulations.
3. On infrequently occurring occasions (such as marriage or birth of a child) or on occasions terminating the superior/subordinate relationship may:
 - give or accept appropriate gifts
 - seek or accept voluntary contribution for such gifts.

F. Conflicting Financial Interests

1. An employee may not personally and substantially participate in his or her official capacity in any particular matter which would have a direct and predictable effect on the employee's financial interests or the financial interests of:
 - the employee's spouse,
 - the employee's minor child,
 - the employee's general partner, or
 - an organization in which the employee serves as an officer or employee.
2. Employees holding conflicting financial interests must disqualify themselves from official actions affecting the interest divest (sell the interest), or get a waiver.
3. Employees can be prohibited from acquiring or holding a financial interest which is prohibited by agency regulations, or would unduly interfere with the public trust or the employee's ability to do his/her job.

G. Personal and Business Relationship

Some financial interests not prohibited by Subpart D can cause people to question your impartiality. Examples are:

1. Where a particular matter affects the financial interest of:
 - a member of your household a relative with whom you have a close personal relationship;
 - an organization with which you seek a significant business relationship;
 - an organization which employed you in the past year;
 - an organization in which you are an active participant;
 - an organization which employs or on whose board, your spouse, parent, or dependent child serves; or
 - an organization represented by any of the above.

You may not participate if a reasonable person would question your impartiality in the matter unless you get approval to participate from the agency designee.

H. Seeking Other Employment

1. Employees may not take official action in a particular matter which would affect the financial interest of an organization with which they are seeking employment or from which they have accepted employment.
2. Seeking employment normally includes:
 - Sending a resume, (unless you do not hear anything for 2 months);
 - Discussing possibility of employment with a company; or
 - Being asked by a company if you are interested - unless you say "No."
3. Seeking employment does not mean:
 - Using a "head hunter" if you are not told to whom he is talking;
 - Asking for an employment application.

If you are seeking employment with an organization that could be affected by your official duties you must disqualify yourself from those duties or seek a waiver. If you are a "procurement official" additional restrictions apply.

I. Misuse of Position

1. Use of Public Office for Private Gain of Yourself or Another:
 - Do not use position to coerce or induce another to help you or another.
 - Do not use your title to imply government sanction or endorsement including letters of recommendation.
 - Do not use your title to endorse a commercial product.
2. Use of Non-Public Information
 - Do not disclose or use for private gain information not available to the public.
3. Use of Government Property
 - Do not use government supplies or equipment (including copy machines) for personal business.
 - Do not use government property for other than authorized purposes (Limited personal use of phones is authorized by GSA regulations).
4. Use of Official Time
 - Use official time only to perform official duties.
 - Do not require subordinates to assist you with personal activities.

J. Outside Activities

1. Must not engage in conflicting outside activities (covered in Subpart D & E).
2. May not serve (with or w/o compensation) as an expert witness for anyone (other than U.S.) in any proceeding if the U.S. is either a party or has a direct and substantial interest.
3. May not (with or w/o compensation) represent anyone before a federal agency or court if the U.S. is a party or has a substantial interest. Except that, where it does not conflict with your official duties, you may represent yourself, your spouse, your child, your parent, or an estate where:
 - you are the executor or trustee (with supervisor's approval);
 - represent (without compensation) people subject to personnel administrative proceedings.

K. Teaching, Speaking, and Writing

1. May not be paid for teaching, speaking, or writing if the activity is part of your official responsibility, is based on non-public information, or if you are invited by someone substantially affected by the performance of your official duties.
2. May not be paid for teaching, speaking, or writing, if the topic relates to your official duties or if you are invited primarily because of your official position.
3. Does not prohibit compensation for activities on general subjects within an agency's area of responsibilities if it doesn't specifically relate to a program or policy:
Examples: A book on the History of mining - OK
 A book on MSHA mine safety standards - Not OK

Restrictions do not apply to teaching requiring repeated appearances as part of the regularly established curriculum at a college, secondary, or elementary school.

L. Fund Raising

1. May only raise funds in an official capacity with agency authorization such as the Combined Federal Campaign (CFC).
2. May raise funds in a personal capacity provided you do not:
 - personally solicit from a subordinate;
 - personally solicit from someone you know to be regulated by your agency
 - or which has a matter pending before your agency;
 - allow your official title to be used;
 - target individuals or groups which could be affected by official duties.

M. Financial Obligations

Employees must satisfy in good faith their just financial obligations.

IV. Questions and Answers

- A. Ask if there are any questions and encourage the group to answer/discuss.